

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DEBORAH S. SKEANS, Executrix
of the ESTATE OF FRANK E.
PAVLIS,

Plaintiff,

v.

KEY COMMERCIAL FINANCE,
LLC, KEY COMMERCIAL
FINANCE PROPERTIES, LLC,
EQUITY PROS, LLC, and MOBILE
AGENCY, LLC

Defendants.

Civil Action No. 1:18-cv-01516-CFC

MEMORANDUM ORDER


Pending before me is Defendants' Motion for Summary Judgment. D.I. 78.

In Defendants' Concise Statement of Undisputed Material Facts filed in support of their motion, they state that "Mr. Pavlis[] was a sharp and sophisticated man, and his mental acuity did not diminish with age." D.I. 80 ¶ 5. In support of this statement of fact, Defendants cite deposition testimony. D.I. 80 at 3 n.2. Plaintiff denies this asserted fact and cites record evidence that appears on its face to contradict the deposition testimony cited by Defendants. See D.I. 88 at 2 n.2.

Because there is a disputed fact that Defendants have said is material to their motion for summary judgment, I will deny the motion. *See Anderson v. Liberty*

Lobby, Inc., 477 U.S. 242, 248 (1986) (holding that summary judgment will not lie if there is a genuine dispute about a material fact).

WHEREFORE, this Fifth day of April in 2021, Defendants' Motion for Summary Judgment (D.I. 78) is DENIED.


UNITED STATES DISTRICT JUDGE